IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

RSA No. 587 of 2007

Date of Decision : December 26, 2007

Mohinder Prakash …Appellant.

Versus:

Pune Ram …Respondent.

***Coram*:**

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting?[1] *No*

For the appellant: Mr. Peeyush Verma, Advocate.

For the respondent. None.

Sanjay Karol, J. (Oral)

The present appeal arises out of the concurrent findings of facts recorded by the Courts below. The plaintiff's suit for recovery of a sum of Rs.2 lacs was decreed against the defendant/appellant herein along with simple interest @6% per annum vide judgment and decree dated 11.8.2006 passed by the Civil Judge (Sr. Division), Kullu, H.P. in Civil Suit No.99 of 2005 titled as Pune Ram v. Mohinder Prakash.

The said judgment and decree was assailed by the appellant before the District Judge, Kullu, who in terms of his

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

judgment and decree dated 31.8.2007 dismissed the appeal upholding the decision of the trial Court.

Both the Courts below, after examining the evidence led by the parties and also the exhibited documents held that the defendant had admitted his signatures on Ext.PW-1/A, the receipt dated 15.3.2005 acknowledging the receipt of the payment from the plaintiff. The signatures on the said receipt are that of the appellant is not disputed. However, the defence taken is that the appellant had been pressurized to sign the blank documents as surety for one, Shri Rupesh Sharma. Both the Courts below have considered and rejected the same. Ext.PW-1/A does not bear the signatures of Shri Rupesh Sharma nor has he been examined to prove the said fact.

Further, submission of the learned counsel is that there are contradictions in the statements of the plaintiff's witnesses which prove the case of the plaintiff to be false. The same has also been considered by the Courts below. It has been held that with regard to the execution of the receipt Ext.PW-1/A, duly signed by the appellant herein, there is no contradiction and the versions of both the witnesses PW-1 & PW-2 are consistent and cogent.

The judgments of both the Courts below are well reasoned.

No substantial question of law arises for consideration in the present appeal. The appeal is accordingly dismissed.

December 26, 2007. **(Sanjay Karol)**
(rana) **Judge.**